

REMARKS

Claims 1-26 were examined and reported in the Office Action. Claims 1-4 were withdrawn from consideration pursuant to Examiner's Telephonic Interview of April 8, 2003. Claims 5-7, 9-12, 14-16 and 21-26 are rejected. Claims 6-7, 11-12, 15-20 and 25-26 are canceled. Claims 5, 8-10, 13-14, and 21 are amended. New claims 27-30 are added. Claims 5, 8-10, 13-14, 21-24, and 27-30 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. 35 U.S.C. §102(b)

It is asserted in the Office Action that claims 5 and 10 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,618,806 issued to Grouse ("Grouse"). Applicant respectfully disagrees.

According to MPEP §2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990))."

Applicant's amended claim 5 contains the limitations of "... at least two electrical pads coupled to the at least one pair of bifilar windings, and at least two motor control devices coupled in parallel to the at least two electrical pads, wherein each of said motor control devices control motor speed dynamically."

Applicant's amended claim 10 contains the limitations of "the at least one motor having two sets of independent windings on each of at least eight magnetic lobes, at least two electrical pads coupled to the at least eight magnetic lobes, and at least two

motor control devices coupled in parallel to each of the at least two electrical pads, wherein each of said motor control devices control motor speed dynamically."

Grouse discloses a fan with a brushless DC motor. Grouse discloses that coil 21 (including L1 and L2) comprises two bifilar wound windings. It is asserted in the Office Action that Grouse discloses 8 lobes. It should be noted that the term "lobe" refers to windings. Grouse does not disclose 8 lobes, each including windings. Moreover, Grouse does not teach, disclose or suggest the limitations of "at least two motor control devices coupled in parallel to the at least two electrical pads, wherein each of said motor control devices control motor speed dynamically" nor "the at least one motor having two sets of independent windings on each of at least eight magnetic lobes, at least two electrical pads coupled to the at least eight magnetic lobes, and at least two motor control devices coupled in parallel to each of the at least two electrical pads, wherein each of said motor control devices control motor speed dynamically."

Therefore, since Grouse does not disclose, teach or suggest all of Applicant's amended claims 5 and 10 respective limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. §102(b) has not been adequately set forth relative to Grouse. Thus, Applicant's amended claims 5 and 10 are not anticipated by Grouse.

Accordingly, withdrawal of the 35 U.S.C. §102(b) rejection for claims 5 and 10 are respectfully requested.

II. 35 U.S.C. §103(a)

A. It is asserted in the Office Action that claims 6 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Grouse in view of U.S. Patent No. 5,577,924 A issued to Louwagie ("Louwagie"). Applicant has canceled claims 6 and 11.

Accordingly, withdrawal of the 35 U.S.C. §103(a) rejection for claims 6 and 11 are respectfully requested.

B. It is asserted in the Office Action that claims 7, 9, 12 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Grouse in view of Louwagie and IBM Technical Disclosure Bulletin NN910187 entitled "Intelligent Neural Support

Processor for Preventative Diagnosis and Error Recovery" ("TBM"). Applicant respectfully disagrees.

According to MPEP §2142 "[t]o establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." (In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). Further, according to MPEP §2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974))." *"All words in a claim must be considered in judging the patentability of that claim against the prior art."* (In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970), emphasis added.)

Applicant's claims 7 and 12 are canceled. Applicant's claim 9 directly depends on claim 5. Applicant's amended claim 5 contains the limitations of "the at least one motor having at least one pair of bifilar windings, at least two electrical pads coupled to the at least one pair of bifilar windings, and at least two motor control devices coupled in parallel to the at least two electrical pads, wherein each of said motor control devices control motor speed dynamically."

Applicant's claim 14 directly depends on claim 10. Applicant's amended claim 10 contains the limitations of "the at least one motor having two sets of independent windings on each of at least eight magnetic lobes, at least two electrical pads coupled to the at least eight magnetic lobes, and at least two motor control devices coupled in parallel to each of the at least two electrical pads, wherein each of said motor control devices control motor speed dynamically."

Grouse discloses a fan with a brushless DC motor. Grouse discloses that coil 21 (including L1 and L2) comprises two bifilar wound windings. Louwagie is relied on

including pads used on printed circuit boards and having redundant windings (Office Action, page 3, 18-20. IBM is relied on for disclosing alternate chip hardware redundancy.

Even if Grouse, Louwagie and IBM are combined, the resulting invention would still not disclose, teach or suggest "at least two motor control devices coupled in parallel to the at least two electrical pads, wherein each of said motor control devices control motor speed dynamically," nor "the at least one motor having two sets of independent windings on each of at least eight magnetic lobes, at least two electrical pads coupled to the at least eight magnetic lobes, and at least two motor control devices coupled in parallel to each of the at least two electrical pads, wherein each of said motor control devices control motor speed dynamically."

Since neither Grouse, Louwagie, IBM, nor the combination of the three teach, disclose or suggest the limitations contained in Applicant's amended claims 5 and 10, as listed above, there would not be any motivation to arrive at Applicant's claimed invention. Thus, Applicant's amended claims 5 and 10 are not obvious over Grouse in view of Louwagie and IBM since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that directly depend from amended claims 5 and 10, namely claims 9 and 14, respectively, would also not be obvious over Grouse in view of Louwagie and IBM for the same reason.

Accordingly, withdrawal of the 35 U.S.C. §103(a) rejection for claims 7, 9, 12 and 14 are respectfully requested.

C. It is asserted in the Office Action that claims 15 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,982,064 issued to Umeda, et al. ("Umeda") in view of U.S. Patent No. 4,550,267 A issued to Vaidya ("Vaidya") and U.S. Patent No. 6,116,469 A issued to Osama, et al. ("Osama"). Applicant has canceled claims 15-16.

Accordingly, withdrawal of the 35 U.S.C. §103(a) rejection for claims 15 and 16 are respectfully requested.

D. It is asserted in the Office Action that claims 21-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,428,719 A issued to Hayashibara, et al. ("Hayashibara") in view of Vaidya and Osama. Applicant respectfully disagrees.

Applicant's amended claim 21 contains the limitations of "a first motor coupled to a shaft, a second motor coupled to the shaft, said first motor and said second motor operate simultaneously, a fan hub coupled to the shaft, and a fan blade coupled to the fan hub, wherein power may be split between said first motor and said second motor to achieve required fan speed."

Hayashibara is relied on for disclosing a motor and fan hub coupled to a shaft, and a fan blade coupled to the hub. Vaidya is relied on for disclosing redundant electromotive power sources. Osama is relied on for disclosing two motors connected together on a common shaft (Office Action, page 5, lines 15-16). Osama, however, only discloses rotors 16 and 18, surrounded by stators 12 and 14, respectively.

Even if Hayashibara, Vaidya and Osama are combined, the resulting invention would still not disclose, teach or suggest the limitations contained in Applicant's amended claim 21 of "said first motor and said second motor operate simultaneously, a fan hub coupled to the shaft, and a fan blade coupled to the fan hub, wherein power may be split between said first motor and said second motor to achieve required fan speed."

Since neither Hayashibara, Vaidya, Osama, nor the combination of the three, teach, disclose or suggest the limitations contained in Applicant's amended claim 21, as listed above, there would not be any motivation to arrive at Applicant's claimed invention. Thus, Applicant's amended claim 21 is not obvious over Hayashibara in view of Vaidya and Osama since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that directly depend from amended claim

21, namely claims 22-24, would also not be obvious over Hayashibara in view of Vaidya and Qsama for the same reason.

Accordingly, withdrawal of the 35 U.S.C. §103(a) rejection for claims 21-26 is respectfully requested.

III. Allowable Subject Matter

Applicant notes with appreciation the Examiner's assertion that claims 8, 13 and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has added new claims 27-30, which correspond to claim 17 in re-written independent form, including all of the limitations of the base and intervening claims.

Applicant respectfully asserts that claims 5, 8-10, 13-14, 21-24, and 27-30, as it now stands, are allowable for the reasons given above.

CONCLUSION

In view of the foregoing, it is submitted that claims 5, 8-10, 13-14, 21-24, and 27-30 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No.

02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: June 12, 2003

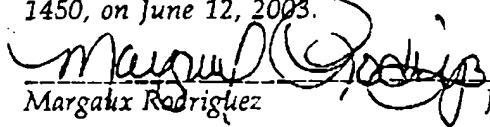
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